

Title	Selection and Term of Presiding Judge (amend of the Cal. Rules of Court, rule 6.602)
Summary	Rule 6.602 of the California Rules of Court concerns the selection and term for presiding judges. This proposal would clarify that additional terms for the presiding judge may be set by internal local rule or policy, and encourage local courts to provide training for the assistant presiding judge. The amendment would be effective January 1, 2005.
Source	Trial Court Presiding Judges Advisory Committee
Staff	Joshua Weinstein, Attorney, 415-865-7688 joshua.weinstein@jud.ca.gov
Discussion	<p>Rule 6.602 provides that a court with three or more judges must elect a presiding judge for a term as established by local rule or policy of not less than two years. Additionally, it provides that the presiding judge “may serve consecutive terms.” (Cal. Rules of Court, rule 6.602(c).)</p> <p>The provision providing for the presiding judge to serve an additional term would be amended. It currently allows the presiding judge to “serve consecutive terms” of two or more years. The committee believes that courts should be allowed the flexibility to reelect the presiding judge to one or more additional terms of a different duration, such as one year. Thus, rule 6.602(c) would be amended to allow the presiding judge to serve “additional terms of such duration as set by internal local rule or policy.”</p> <p>The committee also proposes the following amendments:</p> <ul style="list-style-type: none"> • Delete the requirement for a secret ballot vote, allowing courts to set their own local policy on balloting. In smaller courts, secret ballot voting can be burdensome and unnecessary. • Change <i>shall</i> to <i>must</i> to conform to current rule language. • Clarify that procedures for electing the presiding judge is an internal local rule, rather than a local rule that would require circulation to the local bar. (See rule 981(j) of the Cal. Rules of Ct.)

- Encourage courts to provide training for assistant presiding judges.

Attachment

Rule 6.602 of the California Rules of Court would be amended, effective January 1, 2005, to read:

Rule 6.602. Selection and term of presiding judge

(a) [Selection]

(1) (*Courts with three or more judges*) Each court that has three or more judges ~~shall~~ must select a presiding judge ~~by secret ballot~~ in accordance with the court's internal local rule or policies.

(2) (*Two-judge courts*) In a court having two judges, the selection of the presiding judge ~~shall~~ must conform to Government Code section 69508.5. If selection cannot be agreed upon and neither judge has at least four years of experience, the senior judge shall hold the office of presiding judge until both judges have at least four years of experience.

(b) [Requisite experience and waiver] A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's (1) Management and administrative ability, (2) interest in serving in the position, (3) experience and familiarity with a variety of trial court assignments, (4) ability to motivate and educate other judicial officers and court personnel, (5) ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court, and (6) other appropriate factors.

(c) [Term] A presiding judge in a court with two judges ~~shall~~ must be elected for a term, as established by internal local rule or policy, of not less than one year. A presiding judge in a court with three or more judges ~~shall~~ must be elected for a term, as established by internal local rule or policy, of not less than two years. The presiding judge may serve ~~consecutive~~ additional terms of such duration as set by internal local rule or policy. A presiding judge may be removed by a majority vote of the judges of the court.

(d) [Assistant and acting presiding judge]

(1) The court may elect an assistant presiding judge.

(2) If the court's internal local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge shall designate one.

- 1 (3) Courts should provide the assistant presiding judge with training to
2 foster an orderly succession to the office of presiding judge.
- 3 (e) [**Caseload adjustment**] To the extent possible, the judicial caseload should be
4 adjusted to provide the presiding judge with sufficient time and resources to
5 devote to the management and administrative duties of the office.

Rule 6.602 adopted effective January 1, 2001.

Drafter's Notes

2004—Courts may maintain secret ballot if mandated by internal local rule or policy.

The internal local rule described in this rule relates only to the internal management of the court, and as such is exempt from the requirements in rule 981. (See rule 981(j).)

2001—This rule includes a list of specific types of interests and abilities that should be taken into consideration in nominating and selecting a presiding judge. The rule does not mandate particular qualifications for a presiding judge, but rather is intended to assist members of the court in the selection process. The rule also lengthens the minimum term of the presiding judge in courts with three or more judges from not less than one year to not less than two years. The two-year term is designed to give the presiding judge more time to acquire and exercise the skills needed to manage the court and implement change.